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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,310	07/03/2001	Teng Pin Poo	1601457-0008	2223

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White and Case LLP
Attn: Patent Department
1155 Avenue of the Americas
New York, NY 10036

EXAMINER

GELAGAY, SHEWAYE

ART UNIT	PAPER NUMBER
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2137

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07/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/898,310	Applicant(s) POO ET AL.	
	Examiner Shewaye Gelagay	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413). |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/4/07, 7/3/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed on May 1, 2007. Claims 1, 11 and 17 have been amended. New claims 22-27 have been added. Claims 1-27 are pending.

Response to Arguments

2. Applicant's arguments filed May 1, 2007 have been considered but are moot in view of the new ground(s) of rejection. Applicant is thanked for pointing out the discrepancy in the prior art cited in the previous office action dated 10/30/06, Abbott et al. US Patent 6,748,541 was inadvertently used in the heading instead of Abbott et al. 6,671,808 (which is cited in the rejection of the claims). Applicant's assumption that Abbott et al. US 6,671,808 instead of Abbott et al. US Patent 6,748,541 is meant to be used is correct.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-5, 7-8, 11-12, 14-15, 17-18, 20, 23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. (hereinafter Abbott) United States Letters

Patent No. 6,671,808 in view of Vanzini et al. (hereinafter Vanzini) Unites States Patent Number 7,036,738.

As per claims 1, 11 and 17:

Margailt teach a unitary portable biometric-based access control device which can be directly plugged into a universal serial bus (USB) socket communicatively coupled to a restricted resource, the device comprising:

housing; (figure 1, item 200)

a microprocessor housed within the housing; (col. 3, lines 29-31)

a memory coupled to the microprocessor and capable of storing user data; (col. 3, lines 29-41)

a USB plug integrated into the housing without an intervening cable and capable of coupling the unitary portable access control device directly to the USB socket; (figure 1, item 130; col. 3, lines 27-29) and

a biometrics-based authentication module coupled to and controlled by the microprocessor, at least a portion of the biometrics-based authentication module being housed within the housing, wherein said biometrics-based authentication module is configured to grant access to the restricted resource provided that the biometrics-based authentication module authenticates the user's identity and wherein access to the restricted resource is denied to the user otherwise; (col. 3, lines 47-52; col. 7, line 60- col. 8, line 6) and further wherein

said biometrics-based authentication module is configured to grant access to the user data (col. 3, lines 45-52; col. 6, line 66-col. 7, line 16; virtually all of user's sensitive information; user's calendar, user's private data) stored in the memory provided that the biometrics-based

authentication module authenticates the user's identity and wherein access to the user data stored in the memory is denied to the user otherwise. (col. 3, lines 47-52; col. 7, line 60- col. 8, line 6)

Abbott does not explicitly disclose a non-volatile memory having a minimum of 8MB of capacity. Vanzini in analogous art, however, teaches a non-volatile memory having a minimum of 8MB of capacity. (col. 4, lines 24-49; col. 5, line 26-col. 6, line 9) Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Abbott with Vanzini in order to provide a portable data carrier that stores and securely transports a user's profile and data files with a substantial amount of user data. (Abstract, col. 4, line 47; Vanzini)

As per claims 2, 12 and 18:

The combination of Abbott and Vanzini teaches all the subject matter as discussed above. In addition, Abbott further discloses the biometrics-based authentication module is a fingerprint authentication module. (col. 3, lines 46-48)

As per claims 4 and 14:

The combination of Abbott and Vanzini teaches all the subject matter as discussed above. In addition, Abbott further discloses the biometrics-based authentication module comprises a biometrics sensor fitted on one surface of the housing. (figure 2A, item 250)

As per claims 5 and 15:

The combination of Abbott and Vanzini teaches all the subject matter as discussed above. In addition, Abbott further discloses a non-volatile memory capable of storing biometrics information usable for authentication. (col. 3, lines 47-52; col. 7, line 60- col. 8, line 6)

As per claim 7:

The combination of Abbott and Vanzini teaches all the subject matter as discussed above. In addition, Abbott further discloses the restricted resource comprises a host computer. (figure 1, item 102)

As per claim 8:

The combination of Abbott and Vanzini teaches all the subject matter as discussed above. In addition, Abbott further discloses the restricted resource comprises a communication network. (col. 3, lines 41-43)

As per claim 20:

The combination of Abbott and Vanzini teaches all the subject matter as discussed above. In addition, Abbott further discloses the step of denying the user access to the restricted resource provided that a match is not identified in said step (d). (col. 3, lines 47-52; col. 7, line 60- col. 8, line 6)

As per claims 23, 25 and 27:

The combination of Abbott and Vanzini teaches all the subject matter as discussed above. In addition, Vanzini further wherein the non-volatile memory has capacity sufficient to serve as a mass-storage device. (col. 4, lines 24-49; col. 5, line 26-col. 6, line 9)

5. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. (hereinafter Abbott) United States Letters Patent No. 6,671,808 in view of Vanzini et al. (hereinafter Vanzini) United States Patent Number 7,036,738 and further in view of Foster United States Publication number 2002/0145507.

As per claims 3 and 13:

The combination of Abbott and Vanzini teaches all the subject matter as discussed above. Both references do not explicitly disclose a device wherein the biometrics-based authentication module is an iris scan authentication module. Foster in analogous art, however, discloses a device wherein the biometrics-based authentication module is an iris scan authentication module. (page 1, paragraph 12; page 2, paragraph 20) Therefore, a person having ordinary skill in the art at the time the invention was made would have been motivated to modify the method disclosed by Abbott and Vanzini with Foster in order to provide a versatile biometric authentication device that is not restricted only to fingerprint.

6. Claims 6, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. (hereinafter Abbott) United States Letters Patent No. 6,671,808 in view of Vanzini et al. (hereinafter Vanzini) United States Patent Number 7,036,738 and further in view of Price-Francis U.S. Patent 5,815,252.

As per claims 6, 16 and 21:

The combination of Abbott and Vanzini teaches all the subject matter as discussed above. Both references do not explicitly disclose a microprocessor is configured to provide a bypass mechanism for authentication upon a determination of authentication failure by the biometrics-based authentication module. Price-Francis in analogous art, however, discloses a method to include a microprocessor that is configured to provide a bypass mechanism for authentication upon a determination of authentication failure by the biometrics-based authentication module. (col. 7, lines 37-47) Therefore, a person having ordinary skill in the art at the time the invention was made would have been motivated to modify the method disclosed by Abbott and Vanzini to

with Price-Francis in order to provide increased accuracy by verifying the identity of a person while concomitantly reducing the probability of false rejection for the authorized user.

7. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. (hereinafter Abbott) United States Letters Patent No. 6,748,541 in view of Kang et al. (hereinafter Kang) and in view of Polansky United States Publication Number 2001/0045458.

As per claim 9:

The combination of Abbott and Vanzini teaches all the subject matter as discussed above. Both references do not explicitly disclose the restricted resource is a real estate premises that imposes access restrictions. Polansky in analogous art, however, teaches the restricted resource is a real estate premises that imposes access restrictions. (page 2, paragraph 25) Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Abbott and Vanzini with Polansky in order to provide an open, stand-alone system that protects the real estate premises by enforcing proper biometric authentication.

As per claim 10:

The combination of Abbott and Vanzini teaches all the subject matter as discussed above. Both references do not explicitly the restricted resource is an operable machinery, the safe operation of which requires training. Polansky in analogous art, however, teaches the restricted resource is an operable machinery, the safe operation of which requires training. (page 2, paragraph 25) Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Abbott and Vanzini with

Polansky in order to provide an open, stand-alone system which protects the machinery by enforcing proper biometric authentication.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. (hereinafter Abbott) United States Letters Patent No. 6,671,808 in view of Vanzini et al. (hereinafter Vanzini) United States Patent Number 7,036,738 and further in view of Willins et al. (hereinafter Willins) U.S. Patent 6,990,587.

As per claim 19:

The combination of Abbott and Vanzini teaches all the subject matter as discussed above. Both references do not explicitly disclose the registered biometrics marker is stored in an encrypted format. Willins in analogous art, however, discloses a biometrics marker is stored in an encrypted format. (col. 5, lines 33-67) Therefore, a person having ordinary skill in the art at the time the invention was made would have been motivated to modify the method disclosed by Abbott and Vanzini to with Willins in order to provide increased security by protecting the biometric data being access by unauthorized person.

9. Claims 22, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. (hereinafter Abbott) United States Letters Patent No. 6,671,808 in view of Vanzini et al. (hereinafter Vanzini) United States Patent Number 7,036,738 and further in view of Terasaki et al. (hereinafter Terasaki) U.S. Publication Number 2001/0004326.

As per claims 22, 24 and 26:

The combination of Abbott and Vanzini teaches all the subject matter as discussed above. In addition, Vanzini further discloses a data memory can be implemented as flash memory, on the order of currently up to 128 MB. Both references

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do not explicitly disclose wherein the non-volatile memory has a maximum of 512 MB of capacity. Terasaki in analogous art, however, discloses wherein the non-volatile memory has a maximum of 512 MB of capacity. (page 11, paragraph 172) Therefore, a person having ordinary skill in the art at the time the invention was made would have been motivated to modify the method disclosed by Abbott and Vanzini to with Terasaki in order to reduce the time for formatting a flash memory thereby increasing throughput and decreasing cost. (Page 11, paragraph 172; Terasaki)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shewaye Gelagay



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SUPERVISORY PATENT EXAMINER